

REMARKS

Status

This Amendment is responsive to the Office Action dated July 24, 2007, in which Claims 1, 2, 4, and 6-13 were rejected. No claims have been canceled; Claims 1 and 4 have been amended; and new Claim 14 has been added. Accordingly, Claims 1, 2, 4, and 6-14 are pending in the application, and are presented for reconsideration and allowance.

Claim Rejection - 35 USC 112

Claim 4 stands rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, Claim 4 depends from a cancelled claim.

Claim 4 has been amended to depend from pending Claim 1. Withdrawal of the rejection is respectfully requested.

Claim 9 stands rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, Claim 9 employs the term “about”.

Applicants note that the term “about” is an indication of variation, and the use of “about” does not render the claim indefinite. Refer to *Ex parte Eastwood Brindle & Knob* (PO Bd App) 163 USPQ 316, and *Ex parte Shelton* (PO BdApp) 91 USPQ 374.

Claim Rejection - 35 USC 102

Claims 1, 2, and 6-13 stand rejected under 35 USC 102 as being anticipated by US Patent No. 2,056,279 (*Kulick*). This rejection is respectfully traversed.

The present invention's transport member moves solely in translation, as shown in the figures and described in the Specification starting at Page 6, line 24. The transport member moves solely in translation wherein the translation in the planar direction moves the medium into and out of the box

member. To more clearly describe the movement of the transport member, Applicants have amended Claim 1 to recite “a transport member disposed within the box member configured to move solely in planar translation” (emphasis added).

Kulick teaches a cassette having a hinged platform 19 which determines a parallelogram (Col 2, lines 23-37) to raise and lower film 34 in a parallel relation. As described in *Kulick* at Col, 2, lines 23-37, the parallelogram moves platform 19 about a pivot point so as to maintain platform 19 always parallel to the ceiling of the box. While platform 19 may maintain a particular orientation during movement, the actual movement of platform 19 is not solely in planar translation. As clearly shown in Figures 2-5, a parallelogram does not provide solely planar translational movement of platform 19. (Note: Element 23 is a “screen” mounted on platform 19 (*Kulick* Col. 2, lines 31-33. As such, element 23 is not a “transport member” as identified by the Office Action on Page 4, first paragraph.)

Accordingly, Claim 1 is not anticipated by *Kulick*.

Claims 2 and 6-13 are dependent on Claim 1, and therefore includes all the features thereof. For the reasons set forth above with regard to Claim 1, Claims 2 and 6-13 are also believed to be patentable. Applicant also notes that the dependent claims are also patentable for additional reasons by virtue of the subject matter recited in each dependent claims. For example, the cited reference fails to disclose the recited features of dependent Claim 6, as *Kulick* does not use a frictional force between the medium and transport member to promote translation of the medium. Rather, an operator removes/inserts film 34 from hinged platform 19.

Claim Rejection - 35 USC 103

Claim 4 stands rejected under 35 USC 103 as being unpatentable over *Kulick* in view of *Pfeiffer*. This rejection is respectfully traversed.

Claim 4 is dependent on Claim 1, and therefore includes all the features thereof. For the reasons set forth above with regard to Claim 1, Claim 4 is also believed to be patentable.

Claim 4 is also patentable for additional reasons by virtue of the subject matter recited in the claim. For example, *Pfeiffer* does not disclose neoprene, as *Pfeiffer* mentions only “foamy plastic”. Further, the Office Action indicates that *Pfeiffer*’s “foamy plastic” is used for “cushioning and protection”.

In contrast, the present invention employs neoprene as a surface of the transport member to control the frictional interaction of the medium, as described in the Specification on Page 7, lines 12-17. More particularly, this material allows the medium to stick/adhere/contact to the transport member for insertion and extraction yet also allow slippage when the medium is extracted/inserted from the cassette.

Thus, even if – for argument purposes only - *Pfeiffer*’s “foamy plastic” were combined with *Kulick* as suggested in the Office Action, the present invention would not result since *Pfeiffer* teaches neoprene’s use for cushioning/protection and does not teach the present invention’s use of the neoprene for controlling frictional interaction.

Accordingly, Claim 4 is believed to be patentable.

New Claim 14

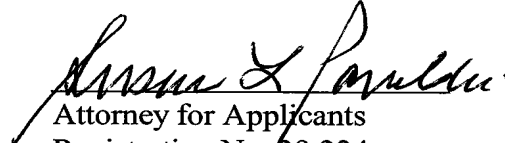
Claim 14 is dependent on Claim 1, and therefore includes all the features thereof. For the reasons set forth above with regard to Claim 1, Claim 14 is also believed to be patentable. In addition, Claim 14 recites a structural difference between the claimed invention and the prior art – more particularly, the feature of a planar frictional control surface of the transport member.

Summary

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.

Respectfully submitted,


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